

April 12, 2024

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

LAURA A. AUSTIN, CLERK

BY:

/s/T. Taylor
DEPUTY CLERK**JAMES PORTER MARINE, JR.,**

Plaintiff,

v.

SARAH EVES, et al.,

Defendants.

Case No.7:22cv00682

MEMORANDUM OPINIONBy: Pamela Meade Sargent
United States Magistrate Judge

The plaintiff, James Porter Marine, Jr., proceeding pro se, filed this civil rights action pursuant to 42 U.S.C. § 1983, alleging that jail officials were deliberately indifferent to his serious medical needs after he was bitten by a police dog. This court's initial Order in the case, Docket Item No. 3, notified Marine of his ongoing responsibility to keep the court apprised of his current mailing address. The Order warned him that failure to comply with this requirement would result in dismissal of the action without prejudice. It is self-evident that the court must have a viable address by which to communicate reliably with Marine about this case. On April 4, 2024, the court's mailing of Docket Item Nos. 43-44 was returned as undeliverable to Marine at the address he had provided. The returned envelope indicated that Marine was no longer housed in that jail facility and that authorities were unable to forward the mailing.

Based on Marine's failure to comply with the court's Order regarding the need to provide the court with a current mailing address that would allow reliable communication about his case, the court concludes that he is no longer interested in pursuing this civil action. Therefore, the court will dismiss the action without prejudice for failure to prosecute. *See Ballard v. Carlson*, 882 F.2d 93, 96 (4th Cir. 1989) (stating pro se litigants are subject to time requirements and respect for court

orders and dismissal is an appropriate sanction for noncompliance); *Davis v. Williams*, 588 F.2d 69, 71 (4th Cir. 1978) (recognizing a district court may sua sponte dismiss an action pursuant to Fed. R. Civ. P. 41(b)).

An appropriate Order will be issued.

ENTERED: April 12, 2024.

/s/ *Pamela Meade Sargent*
UNITED STATES MAGISTRATE JUDGE